



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MILBANK, TWEED, HADLEY & MCCLOY  
1 CHASE MANHATTAN PLAZA  
NEW YORK NY 10005-1413

**COPY MAILED**

**JUL 20 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Gary A. Hoberman	:	
Application No. 10/718885	:	ON PETITION
Filing Date: 11/21/2003	:	
Title of Invention:	:	
METHOD AND SYSTEM FOR DATA	:	
FILE PROCESSING	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 12, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Accordingly, the date of abandonment of this application is February 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee (and the submission required by 37 CFR 1.114, filed December 2, 2008); (2) the petition fee; and (3) a proper statement of unintentional delay.

Regarding the oath/declaration filed with the present petition to add inventor Lestan D'Souza, because during the course of prosecution it was determined that Lestan D'Souza is an inventor, Petitioner is directed to 37 CFR 1.48.

Finally, the address given on the petition differs from the address of record. Petitioner is reminded that this Office dual correspondence is not permitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 2193 for processing of the RCE and for appropriate action on the amendment by the Examiner in the normal course of business.

/Derek L. Woods/  
Derek L. Woods  
Attorney  
Office of Petitions